

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

HEARING DATE: May 13, 2014
HEARING TIME: 10:00am
HEARING PLACE: New York

IN RE

HAROLD MANIRAM

DEBTOR

CHAPTER 7

CASE NO. 13-13489

JUDGE: Robert E. Grossman

**NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO BANKRUPTCY RULE 4001 AND 11 U.S.C. §362 (d)
DUE TO A LACK OF ADEQUATE PROTECTION (AND A LACK OF EQUITY)
PURSUANT TO 11 U.S.C. §361**

PLEASE TAKE NOTICE that Nationstar Mortgage, LLC, by and through its attorneys, Shapiro, DiCaro & Barak, LLC, will move this Court at the United States Bankruptcy Court, Alexander Hamilton Custom House, One Bowling Green, New York, NY 10004, on May 13, 2014 at 10:00am, or as soon thereafter as counsel may be heard, for an Order:

1. Granting Nationstar Mortgage, LLC such other and further relief as is just and proper.

PLEASE TAKE FURTHER NOTICE, that answering affidavits, if any, are required to be served upon the undersigned at least three (3) days before the return date of this motion.

Dated: March 26, 2014
Melville, New York



Shapiro, DiCaro & Barak, LLC
By: Shari S. Barak
Attorneys for Nationstar Mortgage, LLC
105 Maxess Road, Suite N109
Melville, NY 11747
(631)844-9611

TO: Debtor
Harold Maniram
2356 Mickle Avenue
Bronx, NY 10469

Attorney for Debtor
Mark J. Friedman
66 Split Rock Road
Syosset, NY 11791

Trustee
Kenneth P. Silverman
Silverman Acampora LLP
100 Jericho Quadrangle
Suite 300
Jericho, NY 11753

U.S. Trustee
U.S. Federal Office Building
201 Varick Street, Room 1006
New York, NY 10014

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**MOTION FOR RELIEF FROM THE AUTOMATIC STAY
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DUE TO A LACK OF ADEQUATE PROTECTION (AND A LACK OF EQUITY)
PURSUANT TO 11 U.S.C. §361**

Nationstar Mortgage, LLC, by and through its attorneys, Shapiro, DiCaro & Barak, LLC, for an Order vacating the automatic stay pursuant to 11 U.S.C. §362(d) and Bankruptcy Rule 4001 due to a lack of adequate protection pursuant to 11 U.S.C. §361, and in support thereof, states as follows:

1. Debtor filed a petition for relief under Chapter 7 of the U.S. Bankruptcy Code on or about October 29, 2013.
2. Nationstar Mortgage, LLC is a secured creditor of the Debtor by virtue of a mortgage executed by Debtor on November 3, 2005 and given to Mortgage Electronic Registration Systems, Inc. as nominee for Alliance Mortgage Banking Corp. securing the repayment of the principal sum of \$720,000.00 due under the Bond/Note and granting Mortgage Electronic Registration Systems, Inc. as nominee for Alliance Mortgage Banking Corp. a security interest in the Property commonly known as 10 City Place, Unit 22G, White Plains, NY 10601 (the "Property"). The note was indorsed and delivered along with the mortgage to Mortgage Electronic Registration Systems, Inc. as nominee for Alliance Mortgage Banking Corp. and further transferred to Aurora Loan Services LLC as memorialized by instrument dated

August 17, 2009 and further transferred to Nationstar Mortgage LLC as memorialized by instrument dated July 9, 2013. A copy of the Mortgage/Assignment of mortgage and Note is annexed as Exhibit "A". Movant has standing to bring this Motion for Relief from Stay as the holder of the mortgage and note.

3. A copy of the Relief from Automatic Stay – Real Estate and Cooperative Apartment Work Sheet is annexed hereto as Exhibit "C". According to the Work Sheet, Movant had a secured claim as of the date of filing in the amount of \$967,677.77.

4. According to the Work Sheet the mortgage is contractually due for April 1, 2009.

5. The amount now due under the mortgage is as follows:

33 Defaulted Monthly Payments at \$5,464.39 each (April 2009 through December 2011)	\$180,324.87
12 Defaulted Monthly Payments at \$5,419.86 each (January 2012 through December 2012)	\$65,038.32
4 Defaulted Monthly Payments at \$5,435.43 each (January 2013 through April 2013)	\$21,741.72
9 Defaulted Monthly Payments at \$5,434.99 each (May 2013 through January 2014)	\$48,914.91
Escrow Advances	\$33,319.08
Property Inspections	\$669.00
Appraisal Fees	\$180.00
Foreclosure Fees and Costs	\$440.00
Bankruptcy Attorneys Fees	\$550.00
Filing Fee	\$176.00
Total Delinquencies	<hr/> \$351,353.90

6. According to the Broker Price Appraisal, is annexed hereto as Exhibit "C" the value of the Property is \$675,000.00.

7. Upon information and belief, there is little or no equity in the Property and Nationstar Mortgage, LLC has not been offered adequate protection for its interest in the Property.

8. By failing to make post-petition mortgage payments, Debtor has failed to provide Nationstar Mortgage, LLC with adequate protection for its interest in the Property.

9. It is respectfully submitted that good cause exists to vacate the automatic stay of 11 U.S.C. §362 to allow Nationstar Mortgage, LLC to maintain a foreclosure action on its mortgage.

10. Movant also requests that the requirements of Bankruptcy Code Section 362(e) be waived.

11. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

WHEREFORE, Nationstar Mortgage, LLC respectfully requests that an Order be granted vacating the automatic stay as to Nationstar Mortgage, LLC so as to permit the commencement, resumption or maintenance of mortgage foreclosure proceedings with respect to the Property, and for such other and further relief as the Court may deem just and proper.

Dated: March 26, 2014



Shapiro, DiCaro & Barak, LLC
By: Shari S. Barak
Attorneys for Nationstar Mortgage, LLC
105 Maxess Road, Suite N109
Melville, NY 11747
(631)844-9611

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

HEARING DATE: May 13, 2014
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IN RE

HAROLD MANIRAM

DEBTOR

CHAPTER 7

CASE NO. 13-13489

JUDGE: Robert E. Grossman

**ORDER GRANTING RELIEF FROM
THE AUTOMATIC STAY**

Upon the Motion of Nationstar Mortgage, LLC dated March 26, 2014 with exhibits attached thereto, with proof of service upon the Trustee, Debtor and Debtor's Attorney and the United States Trustee, and the Motion having come to be heard on May 13, 2014, it is hereby:

ORDERED that the automatic stay in effect pursuant to 11 U.S.C. Section 362(a) is hereby vacated for cause pursuant to 11 U.S.C. Section 362(d) as to Nationstar Mortgage, LLC, its agents, assigns or successors in interest so that Nationstar Mortgage, LLC, its agents, assigns or successors in interest may take any and all actions under applicable state law to foreclose its mortgage on the premises known as 10 City Place, Unit 22G, White Plains, NY 10601, and it is further

ORDERED that the Movant shall immediately provide an accounting to the Trustee of any surplus monies realized as a result of the foreclosure sale.

GERALD M. SHAPIRO
LICENSED IN ILLINOIS & FLORIDA
DAVID S. KREISMAN
LICENSED IN ILLINOIS

SHARI SELTZER BARAK
MANAGING ATTORNEY

JOSE ARIAS, JR.
JOHN D. DELLO-IACONO
MATTHEW D. HINDIN
MATTHEW W. SILVERMAN
MICHAEL ADAM SAMUELS
ROBERT M. LEFLAND

AUDREY M. FARBER
Of Counsel

JENNIFER RANDO CRISTIANO
Of Counsel

Law Offices of

Shapiro, DiCaro & Barak, LLC

105 Maxess Road

Suite N109

Melville, New York 11747

(631) 844-9611

FAX(631) 844-9525

ROCHESTER OFFICE

JOHN A. DICARO
MEMBER/MANAGING ATTORNEY

175 MILE CROSSING BLVD.
ROCHESTER, NY 14624
(585) 247-9000
FAX(585) 247-7380

ALEXANDER M. BUDD
FRANK M. CASSARA
MICHAEL J. CHATWIN
ELIZABETH A. CLARKE
KRISTIN CORSI
BRIDGET M. DEHMLER
SCOTT R. FERRARO
GARY M. KANELLI
KARL E. KOLKMANN
ROBERT J. MACCLAREN
ROBERT S. MARKEL
ELLIS M. OSTER
LISSA A. PALERMO
ALEXANDER S. PHENGSIAROUN
V. MELANIE RAJAPHOUMY
AUSTIN T. SHUFELT
BRENT A. SURGEONER

JULIE N. DOYLE
Of Counsel

RALPH J. ESPOSITO
Of Counsel

March 26, 2014

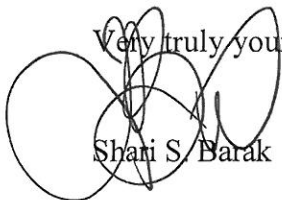
Chambers Hon. Robert E. Grossman
United States Bankruptcy Court
Alexander Hamilton Custom House
One Bowling Green
New York, NY 10004

RE: Harold Maniram
Chapter 7
Case Number: 13-13489
SD&B File Number: 13-030592

Dear Sir or Madam;

Enclosed please find one Chambers' copy of the Notice of Motion and Motion for Relief from the Automatic Stay in the above bankruptcy case. This motion is scheduled to be heard on May 13, 2014 at 10:00am.

Very truly yours,



Shari S. Barak

Enclosures

SHAPIRO, DICARO & BARAK, LLC
Attorneys for Nationstar Mortgage LLC as Servicer for
Nationstar Mortgage, LLC
Shapiro, DiCaro & Barak, LLC
105 Maxess Road, Suite N109
Melville, NY 11747
Tel: (631)844-9611, Fax: (631)844-9525
Shari S. Barak

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE

Chapter 7

HAROLD MANIRAM

Case No. 13-13489

DEBTOR

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)ss:
COUNTY OF SUFFOLK)

I, Diandra Jenkins, being sworn, say, I am not a party to this action; I am over 18 years of age, I reside in Nassau County, New York.

On 3/26/14 I served the within Notice of Motion and Motion for Relief from the Automatic Stay upon:

TO: Debtor
Harold Maniram
2356 Mickle Avenue
Bronx, NY 10469

Attorney for Debtor
Mark J. Friedman
66 Split Rock Road
Syosset, NY 11791

Trustee
Kenneth P. Silverman
Silverman Acampora LLP
100 Jericho Quadrangle
Suite 300
Jericho, NY 11753

US Trustee
U.S. Trustee
U.S. Federal Office Building
201 Varick Street, Room 1006
New York, NY 10014

The addresses designated by the foregoing individuals for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


Diandra Jenkins

Sworn to before me this

26 day of March, 2014


Notary Public

SHELINA PARKER
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PA5067949
Qualified in Suffolk County
My Commission Expires October 28, 2014

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Harold Maniram

MOTION FOR RELIEF FROM THE
THE AUTOMATIC STAY

SHAPIRO, DICARO & BARAK, LLC
ATTORNEYS FOR MOVANT
105 Maxess Rd.
Suite N109
Melville, NY 11747
(631)844-9611